Unified Program Newsletter – September 2021

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CalEPA

CERS Knowledge Base, Help Articles and FAQs
(https://cers.calepa.ca.gov/newsletter-articles)

Compliance, Monitoring, and Enforcement (CME) Training & Reports

Below is an overview of the Compliance, Monitoring, and Enforcement (CME) data entry, data upload, upload common issues and reporting processes in CERS Regulator Portal.

1. Open your web browser and navigate to the CERS Central Home page (https://cers.calepa.ca.gov/)
2. Select the (blue) “Regulator Portal Sign In” button.
3. Sign in to the CERS Regulator portal by entering your CERS Regulator account username and password.
4. At the **Regulator Home** page, hover over the “**Compliance**” tab, 4 options are available for selection. This module enables regulator to add, update, and delete Inspections, Violations, and Enforcements for their regulated facilities via user interface forms or bulk CME data upload.

5. At the “**Compliance**” tab, select the “**Inspections**” option. The “**Inspection Search**” page allows users to:
   A. **Search** for Inspection using several different filters such as Program Elements, CERS ID, EPA ID, Facility ID, Facility Name, Date Range, RTS Date Status, Data Status and the Type of Inspection (Routine or Other).
   B. **Create Inspection**
   C. **Export to Excel** of search results
Violation Search

6. At the “Compliance” tab, select the “Violation” option. The “Violation Search” page allows users to:
   A. Search for Violations using several different filters such as Program Element, CERS ID, EPA ID, Facility ID, Facility Name, Date Range, Data Status, Type #, and Class.
   B. Export to Excel of search results

Enforcement Action Search

7. At the “Compliance” tab, select the “Enforcement Action” option. The “Enforcement Action Search” page allows users to:
   A. Search for Enforcements using several different filters such as Type, CERS ID, EPA ID, Facility ID, Facility Name, Date Range, Data Status, and Formal Type.
   B. Create Enforcement
   C. Export to Excel
Creating an Inspection

8. To create inspection(s), at the “Compliance” tab, select “Inspections” option, then select the "Create Inspection” button.

9. Using the filter options, input a CERS ID to create an inspection, select the “Search” button, then select the blue CERS ID in the search results.

10. At the “Create Inspection” page, check the box in the “Program Element” section. This will allow multiple inspections created for multiple programs simultaneously. Input inspection comments then select the “Save” button.
Creating a Violation

11. Upon saving the Inspection, the next page will allow violations to be added for the programs inspected. Select the “Create HMRRP Violation” or “Create UST Violation” button.

12. At the “Create Violation: Search/Select Violation” page, select an appropriate Violation Type Number for the program Inspected. Please note, the list is filtered by the Inspection Program Type (i.e., only UST violation types will be displayed for UST inspections. “Type #1010 (General)” can be used ONLY when all other types are not applicable. Select “Type #1010” for this demonstration.

13. At the “Create Violation” form, “Violation Details” section, use the dropdown to select Violation Class, input a Scheduled RTC Date, Actual RTC Qualifier, Actual RTC Date and Comment. Comments must describe the violation including citations when using General Violation Type #. Select the “Save” button.
Creating an Enforcement Action

14. Once a violation is created, an Enforcement action can be created and linked to the violation. At the Home page, hover over the “Compliance” tab, then select “Violations” option. Input the CERS ID to begin the search. Select the Violation. Then select the “Create Enforcement for this Violation.”
15. At the Create Enforcement Action page, input information as necessary, then click the “Save” button. Select the “Add Violation” button to select the Violations for linking. Click the “Save” button to complete the action.

Uploading CME Data

16. Top menu bar, “Compliance” tab and “CME Upload Data” feature enables users to perform bulk add, update, and delete operations for CME data.
17. The CME Upload requires a strictly formatted Excel template, provided on the CME Upload page (see the CME Data Upload Template link below). The spreadsheet uploaded must conform to structure of the template, should conform to the business rules defined in the CERS Business Rules document (see step 19), and should not include any additional formatting of data, special characters, control characters, etc., as these may cause errors in processing of the file. Please refer to the instructions provided on page for additional information/guidance. This page also enables users to search for previous CME upload results by regulator.

18. Below is a sample of the “CME Data Upload History”, the history provides information such as:
   - CME Data Upload ID (CERS ID)
   - Uploaded By
   - Processed On
   - Status
   - # Inspections
   - # Violations
   - # Enforcements
   - # Enforcement Violations
19. **CME Data Upload** Template, Version 1.01 can be used to upload Inspection, Violation, and Enforcement data (CME) into CERS. Please note the uploaded data must exactly follow the format in this template as well as the following CME EDT Submittal business rules described in the “**CERS Business Rules**” document (https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2017/11/cersbusinessrules.pdf).
20. **CME Data Upload** Template details - there are several tabs in the workbook for the Instructions and each CME data type (**Inspections, Violations, Enforcements, and Enforcement Violations**). Each of the tabs contains the columns for their respective CME data types – header names include the Unified Program Data Dictionary identifier (i.e., data element 905 – Program Element). Each tab contains a **Regulator Key** column, which is a regulator-assigned key that will be used as the identifier in CERS for updates and linking CME data objects such as **Inspections/Violations and Violations/Enforcements**. See Unified Program Data Dictionary for more details regarding Regulator Keys and other data elements included in the CME upload.

![Excel spreadsheet screenshot]

**CME Data Upload Common Issues**

21. **CME Data Upload Common Issues:**
Although any unique alphanumeric string is allowable, a Universally Unique Identifier (UUID) is encouraged. It is extremely important to avoid duplicating Regulator Keys, as this will cause problems when trying to update records later. It is very important not to add any additional formatting or special characters to file, as this may cause errors processing file. Be sure that all data submitted conforms to CERS Business Rules (see CERS Business Rules document available on CERS Central). Errors and warning messages will be displayed if there are errors in the file. Note: The entire file will be rejected if any errors exist in the file.
CME Data Download

22. For CME Data Download, at the Regulator Home page, select the Reports tab. In the General Reports section, select the CME Data Download link to download Compliance, Monitoring, and Enforcement information include RCRA Large Quantity Generator facilities.
23. For **UST CME Data Download**, in the same **Reports** page scroll down to the **UST Program Reports** section and select the **UST CME Data Download** link to generate an Excel file containing UST Inspection, Violation, and Enforcement Data.

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**State Water Board**

**Rescinding of Health and Safety Restrictions**

On July 30, 2021, the State Water Board sent correspondence through Lyris discussing the [rescinded COVID-19 health and safety restrictions](https://www.waterboards.ca.gov/water_issues/programs/ust/docs/covid_rescind_letter.pdf) and the process to assist underground storage tank (UST) owners and operators returning their facilities to compliance. While this now may seem premature with the recent spike of the COVID-19 delta variant, this too shall pass and the process of returning to compliance outlined by the document applies.

Specifically, for those facilities that have properly documented delays caused by health and safety restrictions, Unified Program Agencies (UPAs) should assist in returning to compliance and continue to use their enforcement discretion to allow a reasonable opportunity to return to compliance.

For additional information regarding compliance requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.
**Red Tag Requirements**

UPA or State Water Board staff may apply a red tag to the fill pipe of a noncompliant UST system if a significant violation poses an imminent threat to human health or safety or the environment. Applying a red tag prohibits product input into or withdrawal from the system until the owner demonstrates correction of the violation to the satisfaction of the applying agency. Further, UST Regulations outline significant violations as those that cause or threaten to cause a liquid release, impair the UST system from detecting or containing a liquid release, or are chronic or committed by recalcitrant violators. State Water Board staff are aware of situations where red tags have been applied to USTs for conditions that do not meet the threshold of red tag application. For example, the initial failure of a secondarily contained spill container during testing likely does not meet the threshold for red tag application.

Recalcitrant UST owners or operators with violations that do not reach the level of immediate red tag application should be provided with a notice of significant violation, requiring the UST owner or operator to resolve the violation within seven days. The agency applying the red tag can only remove the red tag once the violation has been resolved.

Red tag supplies are provided by the State Water Board upon request. Additional information regarding the red tag application process as well as tabulated red tag statistics from the Semi-Annual UST Program Report (Report 6) can be found on the [UST Red Tag Requirements and Guidance](https://www.waterboards.ca.gov/water_issues/programs/ust/enforcement/red_tag_regs_index.html) web site.

For additional information regarding red tag requirements, contact: Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

**Acceptable Devices and Methods for Testing Line Leak Detectors**

California Code of Regulations title 23, division 3, chapter 16, (UST Regulations) section 2638(a) requires line leak detectors (LLDs) to be certified at least once every 12 months to ensure they can detect leak rates of three gallons per hour (gph) at 10 pounds per square inch (psi) within one hour (section 2636(f)(2)). While UST Regulations do not prescribe the methods used to test LLDs, it is essential that LLDs are tested correctly. Some manufacturers of LLDs may require the use of a specific type of LLD test apparatus, however many underground storage tank (UST) service technicians build their own test apparatus to perform LLD tests as these devices are relatively simple and can be constructed from off-the-shelf components. Service technicians should ensure their testing equipment is in proper operating order prior to testing.

Modern UST systems operate at pressures substantially greater than 10 psi, therefore the testing apparatus is used to perform a test that is equivalent to three gph at 10 psi. There are generally two methods of LLD testing utilized. The first method reduces the
operating line pressure to 10 psi to identify the three gph leak orifice prior to testing. The pressure reducer is removed allowing full operating line pressure and the test is performed. The second method identifies the operating line pressure but does not reduce the operating line pressure, instead utilizing a conversion chart identifying the volume equivalent of three gph at 10 psi. Both of these common LLD leak testing methods are described in detail in PEI, Recommended Practices for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary containment Equipment at UST Facilities (https://www.pei.org/news/petroleum-equipment-institute-updates-peirp-1200) (RP-1200).

For additional information regarding acceptable devices and methods for testing LLDs, contact:
Mr. Tom Henderson at (916) 319-9128 or Tom.Henderson@waterboards.ca.gov, or Mr. Austin Lemire-Baeten at (916) 327-5612 or Austin.Lemire-Baeten@waterboards.ca.gov.

DTSC

Nationwide Incinerator Backlog
Due to many contributing factors, there is a nationwide backlog at incinerators throughout the country. Many generators with hazardous wastes that require incineration are having difficulty manifesting their wastes offsite within their 90- or 180-day accumulation limit. DTSC has been experiencing an unprecedented amount of RCRA 30-day extension requests due to this bottleneck effect. DTSC has processed more than double the amount of extension requests in the last two months than in the previous fiscal year.

On August 10, 2021, the United States Environmental Protection Agency (US EPA) issued a memo stating that authorized States can grant second/multiple 30-day storage extension requests to generators impacted by the incinerator backlog. If generators choose to apply for second/multiple follow-up 30-day extensions, they will be required to provide documentation (i.e., emails, letters, etc.) showing they have made attempts to have their hazardous waste shipped offsite but were unable to do so due to the incinerator backlog. All RCRA 30-day storage extension applications will be evaluated on a case-by-case basis.

If generators in your jurisdiction have questions about submitting a RCRA 30-day accumulation extension, please refer them to DTSC’s website to review submission guidelines and the electronic extension application (https://dtsc.ca.gov/30-day-storage-extension-application/). Additionally, generators should send questions and completed applications to 30dayextension@dtsc.ca.gov.

Regulatory Clarification Memo Regarding Conditionally Exempt Small Quantity Generators (CESQG) and Title 27
DTSC is preparing to publish a memorandum clarifying the regulations in Title 27, relating to inspection frequencies of hazardous waste generators, and how they apply to CESQGs – particularly “silver-only” generators. The memorandum is planned to be
released in the next CalEPA newsletter and DTSC will be organizing a virtual Q&A meeting for CUPAs to help answer any questions – date TBD. To facilitate the Q&A meeting, DTSC has set up an email inbox, UnifiedProgram@dtsc.ca.gov, to receive questions relating to the forthcoming memorandum and other questions relating to evaluations.

**National Compliance Initiative on RCRA Air for RCRA LQGs and TSDFs**

On August 23, 2021, US EPA’s National Enforcement Investigations Center (NEIC) (https://www.epa.gov/enforcement/national-enforcement-investigations-center-neic) hosted a RCRA Air Emissions training at the DTSC office in Berkeley, CA. The training was presented as part of EPA’s National Compliance Initiative on RCRA Air Emissions at LQGs and TSDFs. The NEIC also conducted a RCRA Air Emissions Inspection that same week at a facility in San Mateo County with DTSC and CUPA staff shadowing the NEIC inspectors.

**USEPA Enforcement Alert: Violations at Metal Recycling Facilities Cause Excess Emissions in Nearby Communities**

USEPA released an Enforcement Alert in July 2021 (https://www.epa.gov/system/files/documents/2021-07/metalshredder-enfalert.pdf), detailing EPA’s efforts in investigating and identifying Clean Air Act violations at metal recycling facilities. This Alert is intended to inform metal recycling facility owners and operators about the Clean Air Act requirements that might apply at their facilities and the air pollution control systems that are in use for shredders at similar facilities. Specifically, shredder operators should be aware of the amount of volatile organic compounds (VOCs) and other emissions from their facilities and should contact their local regulatory or permitting authority for further guidance. Enforcement actions have assessed substantial penalties and have required the installation of emission control equipment. Examples of enforcement that has occurred in California include Schnitzer Steel in Oakland with $4.1 million in penalties and corrective actions to install two regenerative thermal oxidizers and an acid control system by December 2022. CUPAs with metal shredders in their jurisdiction will find the information helpful and informative.

**AB 332 Treated Wood Waste Bill**

This bill essentially reinstates the alternative management standards for treated wood waste. The bill was approved on August 31, 2021, and goes into effect immediately. The amended statutes begin in Article 11.2 Management of Treated Wood Waste, section 25230 of Chapter 6.5 of Division 20 of the Health and Safety Code. More information on the bill can be found online (https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB332) by keyword searching AB 332.

**EPA Comment Period**

EPA is providing an opportunity for public comment before finalizing this memorandum, which provides guidance to EPA and state permit writers and inspectors for determining whether certain equipment and/or closure devices located on covers of hazardous
waste tanks, containers, and surface impoundments are regulated as equipment (subject to 40 CFR parts 264/265 subpart BB) or as a closure device (subject to 40 CFR parts 264/265 subpart CC).

The comment period will be open for 60 days, from **August 4, 2021 to October 3, 2021**. The memorandum is linked below:

[Open for Public Comment: Draft Memorandum “Applicability of Resource Conservation and Recovery Act (RCRA) Organic Air Emission Standards to Equipment and/or Closure Devices” | US EPA](https://www.epa.gov/hwpermitting/open-public-comment-draft-memorandum-applicability-resource-conservation-and-recovery). Written comments or questions on this RCRA air emissions guidance memorandum can be sent by email to [RCRApost@epa.gov](mailto:RCRApost@epa.gov).

**Cal FIRE OSFM**

**Revised CERS Help Materials for the Aboveground Petroleum Storage Act (APSA) Program**

The following CERS help materials have been updated and are now posted on the [CAL FIRE-OSFM APSA website](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/).

- [Aboveground Petroleum Storage Tank Facility Statement Reporting Requirements](https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/aboveground-petroleum-storage-tank-facility-statement-reporting-requirements/)

If you have questions, contact OSFM staff at [cupa@fire.ca.gov](mailto:cupa@fire.ca.gov).

*References or links to information cited in this newsletter are subject to change. CalEPA is interested in your comments and suggestions regarding the Unified Program monthly newsletter. Please email your comments and suggestions to: [cupa@calepa.ca.gov](mailto:cupa@calepa.ca.gov).*

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